

AMENDMENTS TO THE CLAIMS

Please amend the pending claims as follows:

1-4. (Canceled)

5. (Currently amended) A ~~transgenic glyphosate tolerant corn stably transformed maize plant comprising, the DNA of which produces a DNA amplicon comprising SEQ ID NO:1 or and SEQ ID NO:2 when subjected to the method of claim 4.~~

6-8. (Canceled)

9. (Currently amended) A hybrid corn seed wherein at least one parent is comprises corn event MON88017.

10. (Currently amended) ~~Seed A seed~~ of a corn plant comprising event MON88017, a representative sample of seed comprising said event having been deposited under ATCC Accession No. PTA-5582.

11. (Currently amended) A corn plant comprising event MON88017 or parts thereof produced by growing the seed of claim 10.

12. (Currently amended) Pollen, ovule, seed, roots, or leaves of the corn plant MON88017 of claim 11.

13. (Canceled)

14. (Currently amended) ~~A corn~~ The corn plant of claim 5 comprising SEQ ID NO: [[1]] 3 and SEQ ID NO: [[2]] 4.

15-23. (Canceled)

24. (Previously presented) A biological sample selected from the group consisting of corn oil, corn meal, corn flour, corn gluten, corn cakes, and corn starch, comprising a

sufficient level of a nucleotide selected from the group consisting of SEQ ID NO:1 and SEQ ID NO:2, wherein the detection of said nucleotide in said sample is diagnostic for the presence of corn event MON88017 in said sample.

25. (New) A corn plant, seed, or parts thereof, comprising corn event MON88017.

26. (New) A composition derived from the corn plant, or parts thereof, of claim 25, comprising corn event MON88017, wherein said composition is a commodity product selected from the group consisting of corn meal, corn flour, corn oil, corn silk, corn starch, and processed foodstuffs.

27. (New) A method of producing an insect and glyphosate resistant corn plant, comprising:

- (a) sexually crossing a first parent corn plant according to claim 25 and a second parent corn plant that lacks insect and glyphosate resistance, thereby producing a plurality of progeny plants; and
- (b) selecting a progeny plant that is insect and glyphosate resistant by analyzing for the presence of at least one nucleotide sequence of SEQ ID NO:1 and SEQ ID NO:2.

28. (New) The method of claim 27, wherein said selecting step (b) comprises

- (i) subjecting the progeny plant to a nucleic acid amplification reaction, wherein progeny plant that produces an amplicon comprising at least one nucleotide sequence of SEQ ID NO:1 and SEQ ID NO:2 is selected; or
- (ii) subjecting the progeny plant to a nucleic acid hybridization reaction, wherein progeny plant hybridizing to a probe that hybridizes under stringent conditions with one or more DNA sequence selected from SEQ ID NO:1 and SEQ ID NO:2 is selected.

29. (New) The method of claim 27, further comprising backcrossing the progeny plant that is insect and glyphosate resistant to the second parent corn plant, thereby producing a plant that is insect and glyphosate resistant.

30. (New) A method for protecting a corn plant from insect infestation, comprising providing in the diet of a Coleopteran pest of corn an insecticidally effective amount of cell(s) or tissue(s) of the corn plant, or parts thereof, of claim 25.
31. (New) The method of claim 30, wherein said Coleopteran pest is corn rootworm.
32. (New) A method for controlling weeds in a field of corn plants according to claim 25, comprising applying an effective amount of a glyphosate containing herbicide to said field of corn plants.
33. (New) The method of claim 32, wherein
 - (i) said glyphosate containing herbicide is sprayed in said field, and
 - (ii) said amount does not damage said corn plants.
34. (New) The corn plant of claim 5 comprising SEQ ID NO:3.
35. (New) The corn plant of claim 5 comprising SEQ ID NO:4.
36. (New) A seed that produces the corn plant of claim 5.